



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TEXAS 75202 – 2733

March 25, 2014

Mr. Bud Grisham
1 Meriwether Pond
Harrison, AR 72601-4650
870-365-0525 (telephone)

Mr. Bud Grisham:

This letter is intended to clarify the status of your son, Mr. Curt Grisham, concerning the Arkwood, Inc. Superfund site, Boone County Texas ("site"). On May 19, 2012, the U.S. Environmental Protection Agency (EPA), Region 6 received the *"Consent for Charles C. Grisham, Jr. (Curt) to Communicate with the U.S.EPA, Region 6, Dallas Texas."* I am attaching a copy of your consent declaration to this letter.

As the executor of the Mary Faye (Burke) Grisham estate, landowner of the Arkwood site, and as a prior owner and operator at the site, you are one of the parties that is responsible under the Superfund law for the site. Therefore, you are also one of the parties that the EPA must look to involving matters concerning the site. Of course, a responsible party under Superfund for a site may name a party to represent their interests to the EPA. Your written consent permits your son to communicate with EPA on your behalf. The EPA is aware of Section 9.2 in the Settlement Agreement with McKesson to which you are a party precludes you from "conferring with regulatory agencies...without MMI's ("McKesson's") prior written consent." While your son is not a party to this agreement, Region 6 EPA has decided that your son is not a "member of the public," but represents you and acts on your behalf, in his communications to EPA by email, telephone, letters, and in meetings.

Your son is viewed by federal entities outside of Region 6 as representing your interests to the EPA, as acting on your behalf. When your son contacted Congressman Womack's office concerning the Arkwood site in approximately October 2013, for example, he was identified as "the family intermediary on behalf of his father Bud Grisham..." In your son's written emails and telephone communications with EPA Headquarters in D.C. and the Office of Inspector General, EPA, concerning the site, he is viewed as acting on your behalf, as representing your interests.

For these reasons, the EPA cannot consider your son to be a "member of the public" with regard to matters involving the Arkwood site. Please know that the EPA does not consider your son to be a potentially responsible party under the Superfund law for the Arkwood site at this time, but establishing that your son is your representative at EPA, acting on your behalf when communicating with EPA about the site, clarifies his status in connection with his

communication with EPA Region 6, EPA Headquarters, other federal entities as well as the state of Arkansas. Of course, we will continue to be responsive to your son with regard to his communications with EPA.

If you have any questions, please do not hesitate to call me at 214-665-3193 or write me at my contact information below. You may call Lawrence Andrews (EPA Enforcement Officer) at 214-665-6493 or Stephen Tzhone (EPA Regional Project Manager) at 214-665-8409.

Sincerely,



Gloria Moran
Assistant Regional Counsel
U.S. EPA, Region 6 (6RC-S)
1445 Ross Avenue
Dallas, Texas 75202
moran.gloria-small@epa.gov
214-665-3193 (telephone)
214-665-6460 (fax)

Enclosure

cc: Mr. Curt Grisham (w/enclosure)
Mr. John Edgcomb (w/enclosure)

CONSENT FOR CHARLES C. GRISHAM JR.
(CURT) TO COMMUNICATE WITH
THE U.S. EPA, REGION 6, DALLAS, TEXAS
(HEREINAFTER CALLED EPA).

IN ANY MANNER, CURT MAY COMMUNICATE
WITH MY CONSENT (AS LANDOWNER
OF THE SITE) WITH ANY EPA STAFF
REGARDING ANY MATTER INVOLVING
THE ARKWOOD, INC SUPER FUND SITE
(HEREINAFTER CALLED SITE). INCLUDING,
BUT NOT LIMITED TO, IC, DELETION OR
RFR.

CURT IS NOT A PRP OR A BENEFICIARY
OF THE LANDOWNER. CURT IS NOT A PARTY
TO ANY AGREEMENT RELATED TO THE SITE.

SIGNED: C.C. Grisham 5/19/2012

C.C. (BUD) GRISHAM
AS EXECUTOR OF THE
MARY F. BURKE GRISHAM
ESTATE (LANDOWNER OF THE SITE)

